

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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JOHN DOES #1-5 and MARY DOE,

Plaintiffs,

v.

No. 2:12-cv-11194

RICHARD SNYDER, Governor of the  
State of Michigan, et al.

Defendants.

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**ORDER SETTING NEW BRIEFING SCHEDULE**  
**FOR RULE 52 MOTIONS AND BRIEFS**

The Court, being aware of the extensive record in this matter, and having conferred with the parties during a status conference on April 15, 2014, about the difficulty in ruling on *cross* motions for *summary* judgment when the factual record is this extensive and where the Court must construe facts favorably to the non-moving parties, and the parties having concurred that this case can likely be resolved on stipulated facts:

**IT IS ORDERED** that the parties' motions for summary judgment (Dkt. ## 58, 79) are both **DENIED WITHOUT PREJUDICE**; and

**IT IS FURTHER ORDERED** as follows:

1. that the parties will cooperate in producing a single stipulated factual record combining the facts set out in Plaintiffs' and Defendants' Motions for Summary Judgment, with a single set of supporting exhibits;

2. that if the parties identify any relevant, material facts in dispute that appear to require an evidentiary hearing by the Court, the parties shall bring those factual disputes to the attention of the Court;
3. that this case shall be tried upon the stipulated facts and record submitted by the parties, except to the extent that the parties or the Court identify factual disputes that need to be resolved through the taking of testimony;
4. that the parties will each file a “Motion for Judgment” under Fed. R. Civ. P. 52, with supporting briefs;
5. that the stipulated factual record will be filed with the Court in advance of the motions under Rule 52;
6. that any perceived evidentiary problem concerning any of the proposed facts shall be discussed by counsel with the court in conference before any motion is filed, and is to be settled *before* the statement of facts is filed;
7. that Defendants are given specific direction by the Court to file a brief combining their Response to Plaintiffs’ Rule 52 Motion and their brief in support of Defendants’ own Rule 52 Motion for Judgment; and
8. that the Rule 52 briefs will be filed according to the following briefing schedule:
  - a. Plaintiffs’ Rule 52 “Motion for Judgment,” and a supporting brief, is to be filed by **June 11, 2014**.

- b. Defendants’ “Response to Plaintiffs’ Motion for Judgment, and Motion for Judgment, [COMBINED AT THE DIRECTION OF THE COURT]” along with a supporting brief, is to be filed by **July 2, 2014.**
  - c. Plaintiffs’ combined Response to Defendants’ Rule 52 Motion, and Plaintiffs’ Reply on Plaintiffs’ Motion for Judgment is to be filed by **July 23, 2014.**
  - d. Defendants’ Reply Brief, which is optional, is to be filed by **August 6, 2014;** and
9. that the page limit for each of the above four briefs shall be 40 pages;
10. that, on the assumption that the parties will endeavor to use pinpoint citations to record exhibits, the court shall not require the use of highlighter to point out the pertinent portions of, e.g., transcripts and exhibits in the Court’s chambers copy.

s/Robert H. Cleland  
HONORABLE ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Date: May 1, 2014